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UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS
Land Economics Division

Bulletin 47

BULLETIN OF OUTSTANDING FEDERAL AND STATE LEGISLATION AFFECTING
LAND USE DURING THE PERIOD OF MARCH 22, 1939 to APRIL 8, 1939

(Primarily for the information of Bureau of Agricultural Economics personnel, and the Division of Marketing Research, Soil Conservation Service and Forest Service.)

I. FEDERAL LEGISLATION

AGRICULTURAL ADJUSTMENT

S. 1922. Mr. Byrd. March 23, 1939. To Committee on Finance.

To extend the time for filing claims for refunds of amounts collected under the Agricultural Adjustment Act from July 1, 1937 to January 1, 1940.

BANKRUPTCY

H. R. 5128. Mr. Bates of Kentucky. March 20, 1939. To Committee on the Judiciary.

To amend the Bankruptcy Act to prevent the discharge in bankruptcy of any debt incurred in contemplation of bankruptcy.

FARM CREDIT

H. R. 5285. Mr. Talle. March 23, 1939. To Committee on Agriculture.

To make permanent an interest rate of $3\frac{1}{2}$ per cent on Federal land bank and Land Bank Commissioner loans and to authorize longer maturities on 4 per cent loans.

S. 1932. Mr. Conally. March 23, 1939. To Committee on Agriculture and Forestry.

To forbid calling of loans and deductions from price-adjustment payments with respect to cotton on account of deficiencies in grade or staple, if the warranty thereof was made in good faith.

HOUSING

H. R. 5271. Mr. Dingell. March 23, 1939. To Committee on Banking and Currency.

To amend section 4(d) of the Home Owner's Loan Act of 1933 by inserting the following new paragraph:

"The Corporation is authorized and directed, on application of any homeowner obligated to it under a home mortgage or other obligation on lien secured by real estate, to reamortize the amount due the Corporation over a period of seventeen years in any case in which the Corporation determines that the home owner has made an honest effort to meet his payments and in which it finds that the reamortized payments will be within, or are likely to be within, the home owner's ability to pay".

TENANCY

H. R. 5410. Mr. Johnson of Oklahoma. March 28, 1939. To Committee on Agriculture.

To amend the Bankhead-Jones Farm Tenant Act to provide government-insured loans to farmers; to encourage the sale of farms held by absentee owners to farm tenants; and to enable tenant farmers to become owners of farm homes through long-term low-interest-rate loans on farms. The rate of interest may not exceed 3 per cent with an amortization period of 40 years.

WATER UTILIZATION

H. R. 5186. Mr. Clason. March 21, 1939. To Committee on Flood Control.

To authorize a preliminary examination and survey by the War Department of the Connecticut River in the State of Massachusetts, between the Hatfield town line above Collidge Bridge and the Narrows at Mount Tom, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention.

H. J. Res. 220. Mr. Case of South Dakota. March 20, 1939. To Committee on Appropriations.

To make available until June 30, 1940, the 1938 appropriation of \$5,000,000 for water conservation and utilization projects in the Great Plains and arid and semiarid areas.

II. STATE LEGISLATION

AGRICULTURE

Idaho. H. B. 3941. Regular Session. Approved March 13, 1939.

To create a Noxious Weed Eradication fund and for receipts of federal grants-in-aid. To appropriate \$150,000 for such fund, \$140,000 of which is to be for the cooperation with land owners for weed eradication, \$5,000 for eradicating weeds on State owned or controlled land, and \$5,000 to be used for the administration of the Act.

Indiana. H. B. 330. Regular Session. Approved March 9, 1939.

To require any and all property owners or lessees to destroy and eradicate all weeds of the plant cannabis sativa L., commonly known as marihuana, Indian or wild hemp, or loco weed, found growing on such realty, providing this Act shall not apply to any person or firm obtaining a license for cultivating such a place in accordance with the laws of Indiana or the United States. If such weeds are not destroyed within 15 days after giving required notice, the township shall have such weeds destroyed.

BANKING

North Dakota. H. B. 291. Regular Session. Approved March 15, 1939.

To make State Water Conservation Revenue Bonds legal and valid investments for banks, trust companies, investment companies, building and loan associations and similar financial institutions.

South Dakota. H. B. 273. Approved March 1, 1939.

To amend Section 55.3216 of the 1939 Code referring to refinancing and renewal of Rural Credit Loans and providing for loans to become due not more than ten years after July 1, 1939 with annual principal payments of not less than 5 per cent and interest at the rate of 3 per cent.

FORESTRY

Indiana. H. B. 57. Regular Session. Approved March 9, 1939.

To require the destruction by the county surveyors and boards of county commissioners, of all briars, thistles, burrs, tree sprouts, docks, willows, sumac and other noxious weeds within the limits of county highways.

GRAZING

Montana. H. B. 217. Regular Session. Approved March 17, 1939. Ch. 208, Laws 1939.

To provide for the conservation, protection, restoration, and proper utilization of grass and forage resources of the State of Montana by creating the Montana Grass Conservation Commission. The powers and duties of the Commission are authority over state grazing districts and the power to hear and determine controversies between grazing districts or grazing districts and members or non-members thereof. Provision is made for the appointment of a secretary to the Grass Conservation Commission and hearings may be held by the secretary or any member of the Commission delegated to hold the same and for appeal to the Montana Commission from the decision and orders thereon. Appeal may be made to the district court from a decision of the Commission. A fund is created to be known as the State Grass Conservation Fund for the assessment and collection of fees to defray the expenses of said commission. To create and incorporate cooperative grazing districts and to authorize such districts to purchase grass seed, livestock, and supplies, and to lease state and other lands and to undertake reseeding of depleted range areas or abandoned farm lands. The Districts may purchase or otherwise acquire the possession of land for grazing purposes, conservation, restoration and improvement of forage resources. Procedure is established for distribution of grazing preferences and revocation thereof, the liquidation of the assets of a district upon its dissolution and the compensation to a district for range improvements by subsequent lessees or owners of land; crossing privileges; the use of lands lying within the exterior boundaries of a district controlled by a non-member. The Commission is granted the authority to prepare and approve rules and regulations for the purpose of carrying out the provisions of this Act. The terms "trespass" and "legal fence" as related to grazing districts. Sections 7364.7 to 7364.29 inclusive, of the Revised Code of Montana, 1935, are repealed. The associations incorporated under previous acts are required to comply with this Act.

HOUSING

Idaho. H. B. 200. Regular Session. Approved March 13, 1939.

To create independent public corporations to be known as housing authorities may acquire lands, construct buildings, and improve buildings for this purpose and may finance such ventures by borrowing money, issuing bonds to be payable out of taxes or assessments and to be approved by the Attorney General of the state.

Washington. S. B. 79. Regular Session. Approved February 24, 1939. Ch. 23, Laws 1939.

"Housing Authorities Law." To create, in cities and counties, public corporations to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income. The powers of the Authorities to acquire property, borrow money, issue bonds and perform other functions in furtherance of their purposes are defined in the law. Both the property and securities of the Authorities are exempt from taxation but payments in lieu of taxes are authorized. It is declared to be the purpose of the Act to authorize every authority to cooperate with the Federal Government in securing financial aid and in the undertaking, construction, maintenance or operation of housing projects.

PUBLIC FINANCE

Wyoming. S. B. 103. Regular Session. Approved February 20, 1939.

To authorize the State of Wyoming to issue refunding bonds, the interest rate to be lower than the bonds refunded. Such bonds are to mature serially, either annually or semi-annually, in amounts to be determined by the Governor, State Treasurer and Attorney General, provided, the first maturity shall not be later than 3 years, and the last maturity not later than 15 years after the date of such bonds. Bonds shall be issued in amounts of \$1,000 or multiples thereof.

REAL PROPERTY

Arizona. H. R. 3. Regular Session. Approved March 13, 1939.

To submit to the voters an amendment to Section 3, Article V of the State Constitution. The amendment provides that no mortgage shall ever be valid on state lands; that lands may not be sold or leased except to the highest bidder at a duly advertised public auction -- the advertisement to be published for ten successive weeks. Sales or contracts for the sale of timber or other material products of such lands may not be made except after the same period of publication, but that agricultural and grazing leases for periods of not to exceed 10 years and mineral leases for not to exceed 20 years may be made without advertisement under such regulations as the legislature shall adopt.

Arkansas. H. B. 285. Regular Session. Approved February 17, 1939. Act No. 100, Acts 1939.

To permit any person, firm or corporation owning lands in any drainage district, levee district or other improvement districts to pay part or all of the assessments against their respective lands located in such district with bonds issued by such district. Any collector or improvement district commissioner, shall accept as payment in part or in full of any assessment imposed upon any land in the district as payment of any past due assessments, or assessment hereafter to become due, provided the collector in making his settlements with any district shall not apply such bonds on such settlement as he has actually received in payment of assessments or redemptions and shall furnish the district with a sworn statement setting out the names of property owners paying in bonds with all details of payment.

Montana. H. B. 115. Regular Session. Approved March 9, 1939.

To grant relief from mortgage foreclosure and from execution sales of real estate. Any mortgagor, execution debtor or judgment debtor in lawful possession during pendency of mortgage foreclosure proceedings, may at any time prior to the expiration of the period of redemption any person may apply to the district court having jurisdiction, on not less than 10 days written notice to the mortgagee, for an order determining the reasonable value of the income of the property, or if it has no income, the rental value of the property, permitting the applicant for such relief to pay all or a reasonable part of such values to be applied to the payment of taxes, insurance, interest or to the mortgage or judgment indebtedness, at such time and in a manner fixed by the court, and to thereupon obtain an extension of the period of redemption.

South Dakota. S. B. 89. Regular Session. Approved March 7, 1939.

To allow a mortgagee or his assigns to purchase the mortgaged premises in a foreclosure sale, providing he bid fairly and a reasonable value of the property. The foreclosure may act as a complete extinguishment, satisfaction and payment of the debt secured by such mortgage.

Wyoming. H. B. 104. Regular Session. Approved February 18, 1939.

To provide that abstracts of title to real property or mining claims, where certified to by an abstractor

bonded in accordance with Section 1-101, R.S. of Wyoming, 1931, shall without further proof be prima facie evidence of the facts therein stated in any Wyoming court.

TAXES

Alabama. H. B. 165. Regular Session. Approved March 6, 1939.

To permit the reduction or abatement of public improvement assessments levied or attempted to be levied against property of the State, the town or city, the county, or any church, hospital or charitable organization in cities of less than 20,000 people.

Arizona. S. B. 129. Regular Session. Approved March 13, 1939. Ch. 62, Laws 1939.

To amend Section 2, Ch. 46, Session Laws of 1937, Regular Session, to exempt from all taxes levied against real or personal property which were delinquent October 1, 1938 from all interest if paid on or before the first Monday in December, 1939. In the case of state, county, and school district taxes the entire sum thus exempted shall not exceed \$500. Exemption shall also be allowed on single half-year payments within the time set forth above, but the amount of such exemption in the case of state, county and school district taxes shall not exceed \$200 for any such half year period. The exemption provided shall not apply to taxes on property sold to private parties prior to the passage of this Act, for delinquent taxes. Taxes becoming delinquent subsequent to October 1, 1939, and all taxes for which exemption of interest is herein provided but which remains unpaid after the first Monday in December 1939, shall carry interest provided by law, and the period of delinquency shall be effective from the date when said delinquency first accrued. During the period of exemption from interest, real property held by the state under certificate of purchase shall, in the event of redemption by the former owner, be subject to the same exemptions as provided herein for other property.

Idaho. H. B. 435. Regular Session. Approved March 7, 1939.

To levy an ad valorem tax of not to exceed \$1,000,000 for each of the years 1939 and 1940 upon all property in the State not legally exempt from taxation for the purpose of providing the necessary public assistance. To levy an annual ad valorem tax of not to exceed \$400,000 per year for each of the years 1939 and 1940 to provide revenue to pay a portion of the old age, blind, and dependent children assistance program under H. B. 418, 25th Session of the Legislature.

Indiana. H. B. 150. Regular Session. Approved March 9, 1939.

To provide that any land (outside any incorporated city or town) upon which there is a State lien for delinquent taxes, penalties or interest, and such land has been offered at tax sale for two successive years without being sold, such land may be designated by the Board of the Department of Public Works as "Conservation Land". Such designated land shall be continued to be carried upon the tax duplicate and subject to taxation until title is created in the State. Land may be redeemed within two years after the last tax sale and if not redeemed, the State shall have a fee simple title to the land.

New Mexico. H. B. 177. Regular Session. Approved March 9, 1939. Ch. 86, Laws 1939.

To empower the District Courts to sell certain property on application of the State Tax Commission or a municipality having levied special assessment liens thereon and providing that the proceeds of such sale, less costs of the proceeding, be divided between the State Tax Commission and the municipality. The State Tax Commission shall receive that portion which the principal amount of unpaid taxes bears to the net sale price. The municipality shall receive the proportion which the unpaid principal amount of the assessment lien bears to the net sale price. The proceeds so distributed shall be in complete discharge of the lien for taxes and special assessments against the property.

Oklahoma. S. B. 122. Regular Session. March 7, 1939.

To waive all penalties, interest and costs that have accrued on unpaid ad valorem taxes which have been levied and assessed on homesteads, for 1937 and all prior years. Taxes levied and assessed on such homesteads for 1938 shall become delinquent July 1, 1940; levied for 1937 become delinquent July 1, 1941; 1936 delinquent July 1, 1942; 1935, delinquent July 1, 1943; 1934 and all prior years July 1, 1944. Penalty is to accrue after delinquent date at 12 per cent per annum. This waiver is to apply only on homesteads to which tax exemptions are allowed for 1939 or 1940.

South Carolina. H. B. 233. Regular Session. Approved March 11, 1939. Governor's No. 135, Laws 1939.

To exempt manufacturing establishments of a capital of not less than \$25,000 from county taxes for 5 years from the date of establishment.

South Dakota. S. B. 3. Regular Session. Approved March 6, 1939.

To empower the Board of County Commissioners in each County to compromise any personal property taxes in said county more than 2 years past due. Application for compromise must be made to the Commissioners by the taxpayer and filed with the County Auditor. The application shall show, name, address, age of applicant, relationship of dependents, the taxing district in which applicant has resided or had personal property taxes assessed to him during the years for which said taxes are delinquent. A financial statement of the applicant showing all property owned by him or in which he has an interest, the occupation and gross income of applicant for two years preceding the filing of application, agreement to pay in full all personal property taxes assessed against him, less than 2 years delinquent must also be in the application. Any compromise granted by the County Commissioners must be certified by the County Auditor to the County Treasurer, and shall become null and void unless within 30 days after it is certified, the taxpayer shall pay to the County Treasurer the amount of such compromise and all personal property taxes assessed against him less than two years delinquent. Any tax abated under this Chapter shall be apportioned to the respective taxing districts for which it was imposed.

South Dakota. S. B. 62. Regular Session. Approved March 3, 1939.

To provide that where taxes on any realty are delinquent and any interest or penalty has accrued because of such delinquency, any person interested in paying the taxes on said realty may upon full payment at any time prior to December 31st, 1939 have an abatement of all interest accrued and penalty charged upon said realty or in addition to the taxes thereon where a person has entered into a contract for payment of real estate taxes on an installment basis, he shall be entitled to an abatement of 50 per cent of any interest or penalty, or either of them which were originally included in the total sum computed for the principal of such contract.

South Dakota. S. B. 232. Regular Session. Approved March 1, 1939.

To allow the board of county commissioners to authorize the collection of partial payment of personal tax upon the petition joint owner or owners of real estate which is subject to a lien for such per-

sonal tax when the share of the one or several joint owners is insufficient in value to satisfy the tax in full.

Washington. H. B. 103. Regular Session. Approved February 20, 1939.

To provide a method for cancelling or redeeming assessments of property erroneously made by reason of mistakes in description, double assessments or manifest errors in assessment which do not involve a revaluation of the property. Correction of errors in extending taxrolls and refunding of taxes based thereon are also provided for and the duties of certain state and county officers as they relate to the Act are defined.

Washington. S. B. 487. Regular Session. Approved March 10, 1939. Ch. 83, Laws 1939.

To place a limit upon the aggregate amount of all tax levies upon real and personal property by the State, municipal corporations, taxing districts and governmental agencies, of not exceeding 40 mills on the dollar of assessed valuation, which valuation shall be 50 per cent of the true and fair value of the property.

WATER

Idaho. H. B. 258. Regular Session. Approved March 11, 1939.

To provide for cities and villages to acquire and establish a municipal irrigation system. To allow municipal districts to acquire the necessary public waters of the State and to construct these systems. The municipality may issue bonds to defray the cost of constructing the irrigation system and levy taxes to redeem these bonds. Provision is made for dealing with delinquent taxes.

Indiana. H. B. 337. Regular Session. Approved March 4, 1939.

To approve, ratify and enact into law the Ohio River Valley Water Sanitation Compact for the prevention, abatement and control of pollution of the rivers, streams and waters in the Ohio River drainage basin. The Ohio River Valley Water Sanitation Commission is created for the purpose of co-operating with such Commissions from other States. Procedure is established for carrying out the compact.

ZONING

Georgia. H. B. 362. Regular Session. February 23, 1939.

To authorize the Ordinary of Paulding County to establish restricted zones or districts; to define the boundaries and limits of such zones or districts; to prohibit the erection of different kinds of buildings or structures therein and the use or maintenance thereof; to provide that the erection or use of any building within a restricted zone or district in violation of the provisions of the Act constitutes a nuisance and to provide for the abatement thereof; to adopt rules and regulations for the enforcement of the Act; and to provide penalties for the violation thereof.

